

PATENT**REMARKS:**

At the time of the Office Action claims 1-21 were pending and considered by the Examiner. Claims 1-21 stand rejected. Pursuant to this amendment, claims 1, 12 and 20 have been amended. Claims 1-21 remain pending in the subject application.

Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (U.S. Patent No. 6,494,866). Claims 9-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Raitto (U.S. Patent No. 4,363,329). Claims 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Nedbal (U.S. Patent No. 5,180,643). These rejections are traversed for at least the following reasons.

Without agreeing with the Examiner as to what is or is not taught by the art of record, claims 1, 12 and 20 have been amended to more clearly define what it is the applicant regards as the invention.

More specifically, claim 1 has been amended to recite that the barrel is a substantially cylindrical barrel, such that the injection site is located on a cylindrical surface of the barrel. Robinson, on the other hand, provides that the injection site for the plunger rod (28) is disposed on a flat surface (44) (see, e.g., col. 2 lines 65-67). Robinson explains that the "[p]rovision for injection of the plastic material through a flat in the rod end portion provides good flow of material into the mold cavity and excellent filling of the thread portion of the mold cavity." (Col. 3, lines 41-44) Robinson goes on to explain that the gating arrangement with the flat (44) "also accommodates an economical mold structure that may be simply opened and closed to manufacture the parts." (Col. 3, lines 45-47) In short, Robinson teaches the importance of providing an injection site on a flat surface for the manufacture of the plunger rod, and, in effect, teaches away from providing an injection site on a cylindrical surface as is now recited in amended claim 1. The other art of record fail to solve this deficiency of Robinson. Thus, amended claim 1 is patentable over Robinson, either taken alone or in combination with the other art of record.

PATENT

In regards to claim 12, it is true that the intended use of the rod is set forth in the preamble of the claim. However, the structure of the rod is further set forth in the body of the claim. Specifically, claim 12 recites that the rod includes a cone shaped tip at one end thereof and an indicating surface at an opposite end thereof. It is respectfully argued that these limitations are not shown in Robinson or Raitto. Even so, to further advance the prosecution of the application, claim 12 has been further amended to distinguish over the cited references. In particular, claim 12 has been amended to recite that the barrel of the rod is a solid barrel. Contrary to the claimed invention, the barrel of the syringe of Raitto is a hollow barrel (see, e.g., col. 5, lines 17-20). Thus, claim 12 is patentable over the proposed combination of Robinson and Raitto.

As for claim 20, the method has been further defined to set forth that the plastic inserted into the mold forms the rod into a substantially cylindrical, solid piece of material with an injection stress relieving formation formed from the plastic inserted into the pocket of the mold. The plunger (28) of Robinson is not substantially cylindrical, nor solid. Moreover, one of ordinary skill in the art would not think to modify the device described therein in accordance with the claimed invention because, to do so, would render the device of Robinson non-usable as a syringe. Additionally, as noted, the device of Robinson is a syringe, not a hydrometer. The projections (42) of Robinson are threads, not stress relieving formations as described according to the present invention. One of ordinary skill in the art would not turn to Robinson to provide threads on the barrel of Nedbal, because there is no teaching or suggestion in the art that would lead one to provide threads on the barrel of Nedbal. Since there is no teaching or suggestion in the art of record to modify Nedbal to include threads on the barrel thereof, and since there is no teaching or suggestion in any of the art of record to provide a stress relieving formation on the barrel of a hydrometer, claim 20 is patentable over the cited references.

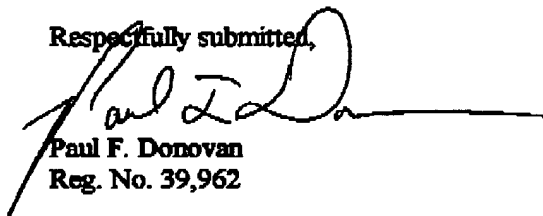
The remaining claims depend from one of claims 1, 12 and 20, and, therefore, are allowable for at least the same reasons applied thereto, as well as for the additional subject matter recited in each.

PATENT

No new matter has been added by way of the remarks made herein. Reconsideration and allowance of all the pending claims are respectfully requested.

Since the applicant has already been faced with extensive prosecution costs associated with this application on account of the pre-appeal process and reopening of prosecution, it is respectfully requested that if the Examiner is still not prepared to issue a Notice of Allowance in accordance with the amendments and arguments raised herein, the Examiner telephone the undersigned at the number provided below to further discuss this case to determine how this application might be advanced toward allowance.

Respectfully submitted,



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